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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,065	07/08/2003	Steve Jobs	APL11P260/P2877US2	9953
22434	7590	06/17/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			NGUYEN, CHI Q	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	

3635

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,065	Applicant(s) JOBS ET AL.	
	Examiner Chi Q Nguyen	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/19/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-10, 12, 13, 15, 17-22, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 17-20 and 22 is/are rejected.
- 7) ☒ Claim(s) 1-6, 9-10, 12-13, 15, 21, 26-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the applicant's amendment filed on 4/19/05.

Upon further consideration, the previous stated allowable subject matters are being withdrawn and with new art and new rejections are presented as following:

Claim Objections

Claim 8 is objected to because of the following informalities: "the horizontal glass member" does not have antecedent basis and it should be "the horizontal glass tread". Appropriate correction is required.

Claim 22 is objected to because of the following informalities: in line 2, the applicant is advised to take out "to so as". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-20, 8, and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wille (US 5,636,483) in view of NPL (Glasstairs.com).

In regard claims 17, 18, 8, 22, Wille teaches a stairstep system comprising a pair of spaced vertical wall 10, a plurality of horizontal treads 35 positioned between the spaced apart vertical walls in a stepped apart relationship relative to one another, each of treads having ends; a plurality of connection arrangements 14, 15, 16, 16a, and 29 for fixing the opposing ends of the horizontal treads to the spaced apart vertical walls,

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each of the connection arrangements including a first connection member 16 that is adapted to be fixed to the vertical wall 10 and a second connection member 15 adapted to be fixed to the end of the horizontal tread by fasteners 29, the first connection member 16 having first interlocking portion (elongated body of the pin 16a), the second connection member 15 having a second interlocking portion 16, the first and second interlocking portions being configured to engage one another so as to place the horizontal tread in a secure relationship relative to the vertical walls 10. Wille does not teach specifically the vertical wall and the plurality of horizontal treads are glass. An NPL (Glasstairs.com) dated February 2003 teaches a spiral staircase system having a plurality of glass treads positioned in between two vertical glass walls (see enclosed pictures). At the time of the invention, it would have been obvious to modify Wille's vertical wall and horizontal treads for the glass vertical walls and a plurality of horizontal glass treads taught by NPL. The motivation for doing so would have been enhance the pleasing appearance for the staircase system.

In regard claim 19, Wille and NPL teach the claimed invention as stated except for specifically the vertical wall and horizontal glass treads are laminated glass structures. At the time of the invention, it would have been an obvious to one having ordinary skill in the art to have the vertical walls and the plurality of horizontal treads are formed from laminated glass structures would considered as matter of design choice because the laminated glass structures having more than one layers, including anti-scratch layer thus it would be a better choice for staircase system.

In regard claim 20, Wille and NPL teach the claimed invention as stated except for wherein the vertical walls are formed from a first laminated glass structure and wherein the horizontal glass tread is formed from a second laminated glass structure that is different than the first laminated glass structure. At the time of the invention, it would have been obvious to have two different laminated glass structures for the vertical walls and the horizontal treads, respectively because as mentioned above the horizontal treads would needed anti-scratch laminated layer for preventing scratch since the horizontal treads support users' load.

Allowable Subject Matter

Claims 1-6, 9, 10, 12, 13, 15, 21, 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 17-22, 26-27, 1-6, 8-10, 12-13, and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

6/10/05

CN
CQN


Naoko Slack
Primary Examiner